

Exhibit 4B

THE TEXAS TRIBUNE

Climate-Controlled Swine Buildings Dismay Inmates' Advocates

by Elizabeth Koh | August 16, 2013 | 14 Comments

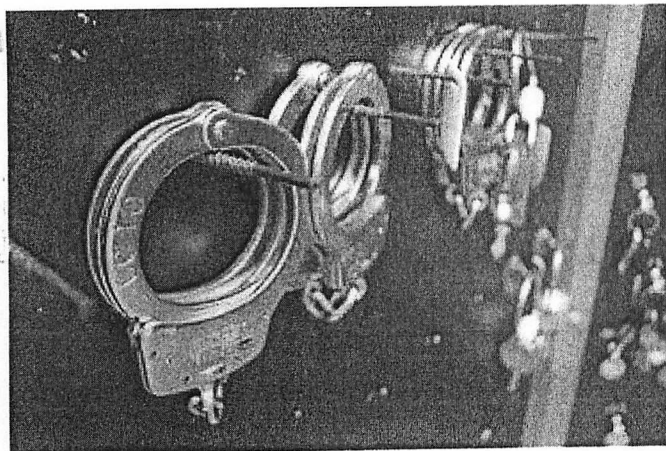
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photo by: H. Michael Karshis

*Correction appended

In light of lawsuits alleging that the Texas Department of Criminal Justice failed to shield inmates from heat-related deaths, inmates' advocates are denouncing an agency contract to build six "climate controlled" buildings for pigs.

The building contract, which was awarded to Art's Way Scientific for \$750,000 June 25, will house sows and their new piglets for the first three weeks after birth, said TDCJ spokesman

Bryan Collier. The agency breeds pigs for its agriculture program, which provides food for inmates across the state.

The plan for the swine buildings "is more designed for protecting the pigs than protecting the health of the prisoners," said Scott Medlock, director of the Texas Civil Rights Project's prisoners' rights program.

The Texas Civil Rights Project filed lawsuits earlier this summer accusing the agency of inadequately treating four prisoners who died from heat stroke. Though the prison agency provides air-conditioned areas in each prison, cooling is usually limited to solitary confinement, death row and medical facilities, Medlock said.

"For the vast majority of prisoners — the guys who are there doing short-term sentences for nonviolent offenses — those guys are all housed in cells or dorms, where the only thing that's being done to change the air temperature are fans," Medlock said.

The buildings for the pigs will use ventilation systems "similar to what we do in our units," Collier said, along with water misters. Though a Texas Civil Rights Project press release suggested otherwise, the pigs' units are not air-conditioned, he added.

Medlock said water misters were not common in TDCJ prisons.

The agency currently has about 20,000 swine, and the cooling capabilities in the buildings are "consistent with any swine operation," Collier said. "Pigs can't sweat, and temperatures are critical when they are younger."

According to the TDCJ website, the agency's agribusiness division uses more than 6,000 offenders across the prison system to complete jobs like processing edible crops and packing meat.

Though Medlock acknowledged that cooling in these facilities could benefit workers, he said it would not benefit prisoners who need it the most.

"The people who are most at risk are prisoners who are not able to work anyway, like inmates with medical conditions" that make them more susceptible to heat, Medlock said. "The guys who are at risk of death from heat stroke ... wouldn't benefit at all in working."

Other inmates' advocates have said the funding needed to cool inmates systemwide is out of the agency's hands.

"TDCJ has nothing to do with the air conditioning until legislation comes forth and puts money out to do things," said Robert Elzner, who sits on the Texas Inmate Families Association's board of directors.

Retrofitting old building and paying air conditioning bills are "a huge expense" that the public is not willing to foot, Elzner added. The agency is "just trying to maintain their head above water," he said.

TDCJ officials have previously said they believe the public is unwilling to fund air conditioning for inmates.

Medlock said the Texas Civil Rights Project would continue to litigate the ongoing lawsuits in response to the contract. The TDCJ believes "protecting these pigs that are destined to be slaughtered is more important" than taking care of inmates who will eventually be released," he added.

A representative for the vendor Art's Way Scientific could not be reached for comment.

Editor's note: This story has been corrected to reflect that water misters are not used to cool TDCJ inmate cells.

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